

**PATENT**

Attorney Docket No. MASIMO.339A

Date: January 28, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Abdul-Hafiz, et al.  
Application No. : 10/632,012  
Filed : July 31, 2003  
For : LOW NOISE OPTICAL  
HOUSING  
Group Art Unit : 3736  
Examiner : Unknown

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 28, 2004

(Date)

John M. Grover, Reg. No. 42,610

**TRANSMITTAL LETTER**

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) a Power of Attorney by Assignee with copy of Assignment; and
- (X) a return prepaid postcard.

Please charge our Deposit Account No. 11-1410 for any additional fees which may be required, now or in the future, or credit our account for any overpayment.

Respectfully submitted,

**KNOBBE, MARTENS, OLSON & BEAR, LLP**

Dated: January 28, 2004

By:

John M. Grover  
Registration No. 42,610  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

MASIMO.339A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Abdul-Hafiz, et al.	)
			)
App. No.	:	Unknown	)
			)
Filed	:	Herewith	)
			)
For	:	LOW NOISE OPTICAL HOUSING	)
			)
Examiner	:	Unknown	)
			)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected

App. No. : Unknown  
Filed : Herewith

herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Masimo Corporation

Dated: \_\_\_\_\_

8/8/03

By: \_\_\_\_\_



Chris Kilpatrick

Title: V.P. Business Development  
and General Counsel

Address: 2852 Kelvin Avenue  
Irvine, CA 92614

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072503

Application No.: Unknown  
Filing Date: Herewith



COPY

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ASSIGNMENT

WHEREAS, We, Yassir Abdul-Hafiz, a United States citizen, residing at 2 Nebraska, Irvine, CA 92606, and John Schmidt, a United States citizen, residing at 20702 El Toro Road, Apt. 449, Lake Forest, CA 92630, have invented certain new and useful improvements in a LOW NOISE OPTICAL HOUSING for which we have executed an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, Masimo Corporation (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 2852 Kelvin Avenue, Irvine, CA 92614, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25 day of July, 2003.

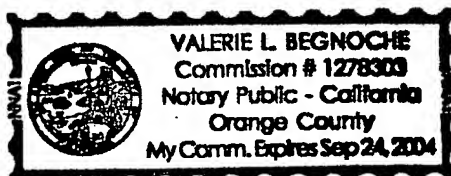
Yassir Abdul-Hafiz  
Yassir Abdul-Hafiz

STATE OF California }  
COUNTY OF Orange } ss.

On July 25<sup>th</sup>, 2003, before me, Valerie L. Begnoche, personally appeared Yassir Abdul-Hafiz personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Valerie L. Begnoche  
Notary Signature

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Filing Date: Herewith



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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25 day of July, 2003.

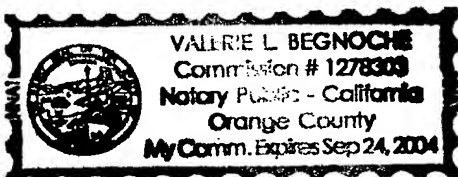
John Schmidt

STATE OF California }  
COUNTY OF Orange } ss.

On July 25, 2003 before me, Valerie L Begnoche, personally appeared John Schmidt personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



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072503

Valerie L Begnoche  
Notary Signature